

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No. BUR920040060US1	
Applicant(s): Barkyoumb et al.				
Application No. 10/709,562	Filing Date 5/13/2004	Examiner Huynh, Yennhu B.	Group Art Unit 2813	
Invention: METAL SEED LAYER DEPOSITION			RECEIVED CENTRAL FAX CENTER DEC 07 2005	
<p>I hereby certify that this _____ <u>Species Restriction Election (2 pages)</u> _____ (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>12/7/2005</u> (Date)</p> <p>_____ Kim Dwilestd (Typed or Printed Name of Person Signing Certificate) _____ <i>Kim Dwilestd</i> (Signature)</p> <p>Note: Each paper must have its own certificate of mailing.</p>				

P18/REV02

DEC 07 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Barkyoub *et al.*

Examiner: Huynh, Yennhu B.

Serial No.: 10/709,562

Art Unit: 2813

Filed: 5/13/2004

For: METAL SEED LAYER DEPOSITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SPECIES RESTRICTION ELECTION

In response to the species restriction requirement dated November 10, 2005, Applicants hereby provisionally elect, with traverse, Species I. Claims 1-10 read on the elected species.

Applicants respectfully contend that the species restriction is improper and should be withdrawn, because Species I, Species II, and Species III are not mutually exclusive. See MPEP § 806.04(f) which asserts: "Claims to be restricted to different species must be mutually exclusive".

Moreover, the species restriction is improper and should be withdrawn, because a search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added).

Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

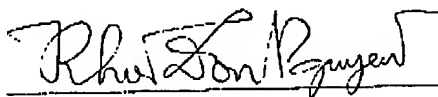
10/709,562

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CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: December 07, 2005



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